

REMARKS

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-3, 6-20, and 22-25 are pending in this application. Claims 1 and 15 are independent claims. Claims 2-3, 6-20, and 22-25 depend, either directly or indirectly, from claim or 15.

Examiner Interview

Applicant thanks the Examiner for courtesies extended during the Examiner Interview conducted on October 28, 2008. Amendments to the claims with respect to the Kwok reference were discussed during the Interview. In addition, Applicant has reviewed the Interview Summary mailed on November 4, 2008, and agrees with the Examiner's comments.

Claim Amendments

Independent claims 1 and 15 have been amended by way of this reply for purposes of clarification. Support for the amendments to claims 1 and 15 can be found, for example, in Figures 2a-2d. No new matter is added.

Rejections under 35 U.S.C. § 103**Claims 1-3, 6, 7, 12, 15-20, and 22-25**

Claims 1-3, 6, 7, 12, 15-20, and 22-25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 6,402,052 ("Murawa") in view of U.S. Patent No. 4,267,856

(“Kwok”). To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed for at least the reasons set forth below.

MPEP §2143 states that “[t]he key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 75 U.S.L.W. 4289 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. *See*, MPEP §2143. In the Office Action mailed July 10, 2008, the Examiner, in articulating the analysis used to reject the claims under 35 U.S.C. § 103, has described the various claimed elements taught and not taught by Murawa. The Examiner then asserts that Kwok teaches that which Murawa lacks. The Examiner then concludes by asserting that “an ordinary practitioner of the art...would have found it obvious to implement” the principles taught by Kwok in the apparatus of Murawa. *See* Office Action mailed July 10, 2008, p. 3. Applicants respectfully disagree.

Specifically, the amended independent claims recite, in part, that the single moving member prevents simultaneous liquid flow through both the inlets *in any position* of the single moving member. That is, no matter which position the single moving member is in, the single moving member always prevents simultaneous liquid flow through both the inlet.

Turning to the rejection, as discussed with the Examiner during the Examiner Interview of October 28, 2008, Figure 4 of Kwok shows the valve 30 moving between the outlet channels 26 and 28 (*see* Kwok, column 2, lines 7-9 and Figure 4). Thus, it is clear that when the valve 30 is positioned between the outlet channels 26 and 28 as shown in Figure 4 of Kwok, liquid in the valve chamber 16 simultaneously flows through the two outlet channels 26 and 28. More specifically, the valve 30 of Kwok does not prevent simultaneous liquid flow through both the

outlet channels in each and every position of the valve 30. Rather, there is clearly at least one position (*e.g.*, that shown in Figure 4 of Kwok) in which the valve of Kwok allows simultaneous liquid flow through both outlets, which is precisely what the claimed invention avoids. Accordingly, Kwok fails to show or suggest at least the feature, “the single moving member is operable to block liquid flow to one of the two inlets while allowing liquid flow through another of the two inlets such that the single moving member prevents simultaneous liquid flow through the two inlets,” as required by amended independent claims 1 and 15.

Further, as acknowledged by the Examiner, Murawa fails to show or suggest that which Kwok lacks. *See* Office Action dated July 10, 2008, pp. 2-3.

In view of above, Kwok and Murawa, whether taken separately or in combination, fail to show or suggest the invention as recited in amended independent claims 1 and 15. Thus, amended independent claims 1 and 15 are patentable over Kwok and Murawa. Pending dependent claims are patentable for at least same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 8-10, 11, and 14

Claims 8-10 and 14 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Murawa in view of Kwok, further in view of U.S. Patent Publication No. 2003/0234303 (“Berning”).

Claim 11 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Murawa in view of Kwok, further in view of U.S. Patent No. 6,082,636 (“Yoshida”).

To the extent that these rejections may still apply to the amended claims, these rejections are respectfully traversed.

As discussed above, Murawa and Kwok, whether taken separately or in combination, do not show or suggest at least the above limitation of amended independent claim 1. Berning and Yoshida, like Murawa and Kwok, do not show or suggest at least the above limitation. Further, Berning and Yoshida fail to show or suggest that which Murawa and Kwok lack. This is evidenced by the fact that Berning and Yoshida are relied on as merely disclosing the details such as a nozzle insert having whirl chambers or a breakaway edge (*see* Office Action dated January 29, 2008, at pages 4-6).

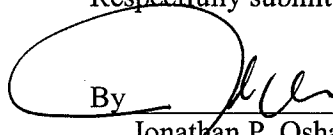
In view of above, Murawa, Kwok, Berning, and Yoshida, whether taken separately or in combination, fail to show or suggest the invention as recited in amended independent claim 1. Thus, amended independent claim 1 is patentable over Murawa, Kwok, Berning, and Yoshida. Claims 8-11 and 14, directly or indirectly dependent from amended independent claim 1, are patentable for at least same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17102/012001).

Dated: November 4, 2008

Respectfully submitted,

By 
Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
909 Fannin Street, Suite 3500
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant